

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 20, 2005

Tuesday, 9:12 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Carol Meredith, Good Shepard Episcopal Church gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the September 13, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Proclamations:

Mayor Mayans read aloud the following Proclamations:

“Rehabilitation Awareness Celebration Days.”

“Family Day-A day to eat dinner with your children.”

“Young @ Art Day.”

“Adult Learner Week.”

Recognition

Recognition of Kansas African American Museum-Legacy Award.

Mayor Mayans

Mayor Mayans recognized the Kansas African American Museum, which was recently honored as a recipient of the prestigious Legacy Award. Stated that this award honors museums that do excellent work in preserving the history and the cultural perspective of the African American experience. Stated that the Legacy Award Winners were recognized at a 10th anniversary gala, last Wednesday, in New York City and there was also acknowledgment in an issue of the American Legacy magazine and that they also received a monetary grant.

Eric Key

Mr. Key thanked the City of Wichita for recognizing their efforts in this City. Stated that the Legacy Magazine Award is a prestigious award and they were among 10 organizations to receive the award. Stated that it is an honor to have received this award and most importantly they were pleased that they will be in the next issue of their magazine, which has a readership of about 2.1 million and are pleased that people will now know that there is a Kansas African American Museum in Wichita, Kansas.

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CONSENT AGENDA

Motion--carried Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 19, 2005.

Bids were opened September 16, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (448-90103/735271/470942) Does not affect existing traffic. (District V)

Wilks Underground - \$59,035.22

Lateral 24, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (468-84063/744141/480839) Does not affect existing traffic. (District V)

Nowak Construction – \$246,984.00

Kellogg & Rock Road, Part 8: Eastern Bridge; Construction of Kellogg Freeway from east of Heather Street to west of Cypress Street - Kellogg & Eastern. (472-84254/702345/ 401360) Traffic to be maintained during construction using flagpersons and barricades. (District II)

King Construction - \$9,653,080.42

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest
--carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be
authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Grove Park Improvements.

Laser Contracting Inc. - \$360,000.00 (Group 1 total net bid)

IT/IS DEPARTMENT/PRINT SHOP DIVISION: Envelopes and Letterhead.

Midwest Single Source - \$18,036.00* (Group 1/base bid)

*Estimate – Contract approved on unit cost basis.

FIRE DEPARTMENT: Fire Department Uniforms.

Baysinger Police Supply - \$25,259.55* (Group 1 base bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

INFORMATION TECHNOLOGY (IT/IS)/APPLICATION SUPPORT DIVISION: Crystal Enterprise/RQ501884.

Software House International* - \$105,840.00 (State of Kansas Contract #07359)

*Purchases utilizing Government Entities Contracts, Cooperative
Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020.

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POLICE DEPARTMENT/SAFETY DIVISION: Motorola Radios (Ten Each XTS5000 Model II 700/800 MHZ Analog Smartnet Radios.

Motorola, Inc.* - \$29,581.80 (State of Kansas Contract #28440 800 MHz Motorola Radio Equipment)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Solidification Disposal Non-Hazardous Liquid Waste.

Reddi Industries Inc. - \$104,740.00 *(Group 1 base bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Teresa Vasquez	El Patio Cafe*	424 East Central
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Aaron Schroeder	K & O Quickshop #29	11931 West Central
Jack N. Rief	Target Store T1944	10800 East 21st Street North
Jack N. Rief	Target Store T1945	2727 North Maize Road
<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Alejandro Castillo	Playa Azul, Inc.*	111 North Washington

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- Storm Water Sewer #615 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83998/751399/485290) Does not affect existing traffic. (District V) - \$167,580
- Water distribution system, Phase 3 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (448-89661/735266/470937) Does not affect existing traffic. (District II) - \$73,000
- Water Distribution System to serve Krug North and Krug North 2nd Additions - north of 21st Street North, west of 143rd Street East. (448-89935/735260/470931) Does not affect existing traffic. (District II) - \$95,000
- 2005 Contract Maintenance CIP Street Rehabilitation: Hydraulic; 37th Street North & Meridian. (472-84158/706926/620426/205392/665546) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, IV, VI) - \$400,000

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- e) 2004-2005 Traffic Signalization Program Phase V, to signalize the intersection of Central & 119th Street West - Central & 119th Street West. (472-84212/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$230,200
- f) Storm Water Drain # 262 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83996/751398/485289) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$181,610
- g) Storm Water Drain # 250 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83950/751394/485285) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$290,000
- h) Cost of Lateral 45 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition – south of Pawnee, west of Maize. (District IV) - \$79,000
- i) 2005 Sanitary Sewer Reconstruction Phase 9 - various locations north of Harry, west of Oliver. (468-84069/620440/665560) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, VI) - \$309,000
- j) Presbyterian Manor Drainage Improvements to serve Synod Addition - north of 13th Street, west of Zoo Boulevard. (468-84074/660508/854118) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$32,000
- k) Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition - south of Kellogg, west of 119th Street West - (468-83817/744081/480769) Traffic to be maintained during construction using flagpersons and barricades. (District IV and V) - \$830,000
- l) Williamsgate Court serving Lots 1 through 21, Block 1, from the east line of Williamsgate to and including the cul-de-sac to serve Hawthorne 3rd Addition - north of 21st, east of 127th Street East. (472-84083/765943/490056) Does not affect existing traffic.. (District II) - \$236,000
- m) Bridlewood from the east line of Lot 28, Block 2, to the west line of Lot 1, Block 3; Bridlewood Court serving Lots 17 through 27, Block 2, from the south line of Bridlewood to and including the cul-de-sac to serve Reed's Cove Addition - south of 21st, east of 127th Street East. (472-84238/765952/490065) Does not affect existing traffic. (District II) - \$165,120
- n) Water Distribution System to serve Woodland Heights Addition - south of Central, east of Ridge. (448-90059/735268/470939) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$80,000
- o) Oak Creek Parkway from 21st Street North to Greenwich Road; Chateau Parkway from 21st Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84209/765936/490049) Does not affect existing traffic. (District II) - \$1,431,600

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- p) Oak Creek Parkway from 21st Street North to Greenwich Road; Chateau Parkway from 21st Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84209/765936/490049) Does not affect existing traffic. (District II) - 1,431,600 Edwards from the south line of the plat, north to the south line of West 62nd Street North; Rio Vista from the east line of Edwards, east to the east line of the plat; Richmond from the north line of Rio Vista, north to the north line of the plat; West 62nd Street North from the west line of the plat, east to the west line of Richmond; Richmond Court from the west line of Richmond, west to and including the cul-de-sac; Rio Vista Court from the south line of Rio Vista, south to and including the cul-de-sac; Sidewalk along one side of Edwards, Rio Vista, Richmond and West 62nd Street North to serve Rio Vista 4th Addition - north of 61st Street North, west of Meridian. (472-84056/765949/490062) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$745,000

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

FALCON FALLS

CONSTRUCT A SANITARY SEWER FOR FALCON FALLS SECOND ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0842

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer improvements to a new residential development located north of 45th St. North, west of Hillside.

The Petition totals \$91,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-467

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 13, Sanitary Sewer Number 23 (north of 45th street north, west of Hillside) 468-84066 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

NORTH RIDGE VILL. **CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR NORTH RIDGE VILLAGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)**

Agenda Report No. 05-0843

On March 22, 2005, the City Council approved a Petition to construct a water distribution system for North Ridge Village Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new commercial development located north of 37th St. North, west of Ridge.

The existing Petition totals \$63,200, with \$32,200 assessed to the improvement district and \$31,000 paid by the Water Utility. The new Petition totals \$86,890, with \$34,755 assessed to the improvement district and \$52,135 paid by the Water Utility. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-468

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90061, (north of 37th street north, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

TRAFFIC SIGNALS

INSTALL TRAFFIC SIGNALS AT MAIZE BETWEEN 21ST STREET AND CENTRAL PARK TREET. (DISTRICT V)

Agenda Report No. 05-0844

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide signalized access to a new retail development located west of Maize, north of 21st. The signals will be installed when warranted by traffic volumes.

The Petition totals \$130,000, with the total assessed to the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-469

Resolution of findings of advisability and Resolution authorizing constructing a Traffic Signal on Maize Road at the major entrance located north of 21st Street North (north of 21st, west of Maize) 472-84276 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

FAIRMONT ADD.

CONSTRUCT A SANITARY SEWER IN THE FAIRMONT ADDITIONS, NORTH OF 21ST STREET, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0845

On February 5, 2002, the City Council approved a Petition to construct a sanitary sewer in The Fairmont Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The Petition also expands the scope of the project to include parts of The Fairmont 3rd and 4th Additions. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 21st Street, west of 127th St. East.

The existing Petition totals \$181,000. The new Petition totals \$461,150. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-470

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 11, Four Mile Creek Sewer (north of 21st, west of 127th street east) 468-83402 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ADVISORY BOARDS MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees, quarterly meeting, May 12, 2005
Deferred Compensation Board of Trustees, special meeting, June 16, 2005
Board of Appeals of Air-Conditioning/Warm Air Heating and Boilers, June 30, 2005
Wichita Employees' Retirement Board/Police & Fire, July 7, 2005
Housing Advisory Board, July 20, 2005
Wichita Employees' Retirement Board, July 20, 2005
Police & Fire Retirement Board, July 27, 2005
Board of Wichita Public Library, August 16, 2005
Design Council Board, August 18, 2005

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Stand Down-Friday, September 23, 8:00 a.m. – 5:00 p.m.

Robert J. Dole Veteran's Administration

· 413-417 South Pattie

Unity Street Event and Dance-Saturday, September 24, 2:00 – 11:00 p.m.

· Walnut Street from Douglas to area of abandoned railroad track, south of First Street

Delano Fall Fair-Sunday, October 2, 7:00 a.m. – 6:30 p.m.

· Douglas from west of McLean to east of Seneca

Historic House Tour-Saturday and Sunday, October 8 and 9 – 11:00 a.m. – 5:00 p.m.

· 1800 block of North Wellington Place

· 1700 block of North Park Place

26th Annual KAKE-TV/Wichita Marathon-Sunday, October 16

One lane closing:

· South lane of 31st Street from McConnell AFB to Oliver-9:30 a.m. – 12:30 p.m.

· Far west lane of Oliver from 31st Street to George Washington Blvd. 9:30 a.m. – 12:30 p.m.

· Southwest lane of George Washington Blvd from Oliver to Mt. Vernon-9:30 a.m. – 12:45 p.m.

· Far south lane of Mt. Vernon from George Washington Blvd to Linwood Park-9:45 a.m. – 1:15 p.m.

· Far south lane of Douglas from I-135 to Mead-9:45 a.m. – 2:00 p.m.

Motion--carried Mayans moved that the street closures be approved. Motion carried 7 to 0.

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WEAPONS

WEAPONS DESTRUCTION.

Motion--carried

Mayans moved that the list of weapons be received and filed. Motion carried 7 to 0.

EASEMENT

EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)

Agenda Report No. 05-0848

The Agreement allows George Laham to occupy and construct, improvements on, over, and across a platted 20-foot utility easement described as the north 20 feet of Reserve A, The Gateway Center 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 30' x 12'-8" double-faced pylon sign in above said easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

USGS AGREEMENT

UNITED STATES GEOLOGICAL SURVEY (USGS) SURFACE WATER AGREEMENT, OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006.

Agenda Report No. 05-0849

In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative agreement with the United States Geological Survey (USGS) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

The Department of public works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the National Weather Service, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by USGS.

The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

The Agreement requires the City to pay \$35,257 of the \$60,640 total program cost, with USGS responsible for the balance of \$25,383. Budget for the City's cost is split between the Water & Sewer Department (\$16,016) and City-County Flood Control (\$19,241). These funds have been allocated in the appropriate operating budgets.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Joint Funding Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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CHERYL'S HOLLOW STORM WATER DRAIN IN CHERYL'S HOLLOW ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0850

On May 17, 2005 the City Council approved a contract with Mies Construction for a storm water drain in Cheryl's Hollow Addition, north of 13th, west of 135th St. West. It has since been determined that, in order to mitigate future erosion, an eight foot wide band of rip-rap should be installed on the banks of two detention ponds.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$28,457 with the total paid by special assessments. The original contract amount is \$114,821. This Change Order represents 24.8% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

PROPERTY ACQ. PARTIAL ACQUISITION OF 1522 NORTH MARKET AS A PORTION OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0851

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita St. to 15th St. and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1522 North Market has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 2,000 square feet at \$2,000.

A budget of \$2,300 is requested for the acquisition. This includes \$2,000 for the acquisition and \$300 for closing costs. The funding source is previously approved CDBG funds.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the budget and real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LINE NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0852

On October 21, 2003, the City Council approved the construction, extension of a sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

The last of the ten sanitary sewer easement tracts to be acquired is a forty-foot wide permanent easement, which consists of 1.39 acres. A temporary easement encompassing 2.22 acres of land is also required during construction. The tract is presently improved as irrigated agricultural land. The property owner has agreed to provide the necessary easements to the city for \$20,000, or approximately \$4,800 per acre. There is an additional cost of \$3,000 as damages for loss of crops and irrigation system.

A budget of \$21,000 is requested. This includes the \$20,000 for the acquisition and damages, \$1,000 for title work, closing costs, etc. The funding source is the sewer utility.

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and Real Estate Purchase Contract and the necessary documents authorized. Motion carried 7 to 0.

CONT/AGRMNTS

CONTRACTS AND AGREEMENTS FOR AUGUST 2005.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for thirty-eight (38) water projects, thirty-eight (38) sewer projects and seventeen- (17) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 10, 2005 at 11:00 a.m.

Motion--
--carried

Mayans moved that the hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, October 18, 2005, and the City Clerk be directed to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

PURCHASE OPTIONS

PURCHASE OPTION, SERIES II 1995. (DISTRICT IV)

Agenda Report No. 05-0853

On June 13, 1995, City Council approved issuance of \$3,560,000 in Industrial Revenue Bonds, Series II, 1995, to finance a spice blending and warehouse facility. The Bonds were issued for the purpose of constructing of a 100,000 s.f. Building located at Water and 48th Street South.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series II, 1995 Bonds, the Tenant, has the option if all outstanding bonds and Trustee fees have been paid to purchase the facility from the City of Wichita for the sum of \$1000. The City of Wichita, on September 1, 2005, received notice from the Tenant of a request to call outstanding bonds for redemption on November 2, 2005, and notice of the company's intention to exercise its purchase option on or after November 2, 2005. The City will deliver the instruments needed to release and reconvey its interest in the bond-financed property and terminate the IRB Lease.

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The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees.

The City is contractually bound to release and reconvey the IRB Project property to the Tenant, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution, Termination of Lease and Site Lease Agreement, Special Warranty Deed and Bill of Sale (each in substantially the form attached to the Resolution, subject to any necessary corrections in the legal description).

Motion--

Mayans moved that the issuance of call instructions to the Trustee be approved; the Resolution approving the Termination of Lease and Site Lease Agreement, Special Warranty Deed and Bill of Sale be adopted and the Mayor authorized to sign, with delivery contingent upon satisfaction of all conditions for release and reconveyance of the property under the Lease Agreement. Motion carried 7 to 0.

--carried 7 to 0

RESOLUTION NO. 05-477

A Resolution authorizing the City of Wichita, Kansas, to terminate its Leasehold Interests in certain real property and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

4460 E. BOSTON

REDUCTION OF DANGEROUS BUILDING REMOVAL AND WEED MOWING SPECIAL ASSESSMENTS FOR PROPERTY AT 4460 EAST BOSTON. (DISTRICT III)

Agenda Report No. 05-0854

The Office of Central Inspection (OCI) and Environmental Services Department support neighborhood improvement through abatement of public nuisances under Titles 7, 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property, and/or to remove trash, debris or weeds that are in violation of City code standards (after proper notification of responsible parties). Private contractors perform any required nuisance abatement work for the City. The City subsequently bills the cost for such abatements to the property owner and, if not paid, the City Council, by ordinance, assesses such abatement costs through the County Tax Assessor's Office.

Over the past two years, the City Council has authorized filing of property tax special assessments totaling \$4,500.80 on the property at 4460 East Boston (\$4,400.80 for dangerous building removal and \$100 for weed mowing). Currently, the total amount owed to the City for these special assessments, including accrued interest, is \$4,810.16.

Menonite Housing Rehabilitation Services, Inc. (MHRS), is currently considering purchase of the lot at 4460 East Boston, proposing to use federal HOME funding in order to facilitate redevelopment and construction of an owner-occupied single-family home.

Per federal program regulations, MHRS can pay only the current appraised value for the lot, or \$3,500. Proceeds will be reduced by approximately \$889.00, which includes past due 2003 and 2004 taxes in the amount of approximately \$444.00, pro-ratio of the base property taxes currently owed (approximately \$195), and customary seller's expenses for title insurance/closing fees in the approximate amount of \$250. Given these criteria, the sale proceeds that would be available to pay for public nuisance abatement special assessments is \$2,611, or \$2,199.16 less than the \$4,810.16 currently owed.

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Frequently, public nuisance abatement special assessments, particularly on vacant lots, are only partially recovered by the City (or are never recovered). This is because many of these vacant lots are eventually auctioned at Sedgwick County real estate tax foreclosure sales. When such properties are purchased through tax foreclosure, much, if not most of the delinquent property taxes and special assessments owed on the property are expunged or significantly reduced.

It appears to be in the City's best interest to facilitate this property sale by reducing the City's public nuisance abatement special assessments from \$4,810.16 to \$2,611. The current dangerous building removal assessment, including accrued interest, of \$4,512.44 would need to be reduced to \$2,551, and the weed mowing assessment of \$105.55 would need to be reduced to \$60.

The reduced assessments will facilitate construction on new single-family, owner occupied housing on the lot, and will guarantee recovery by the City of a significant portion of abatement costs that might otherwise not be recovered.

The City Council has the authority to remove or abate special assessments it has placed on property.

Motion--
--carried

Mayans moved that the proposed assessment reductions be approved and staff authorized to file the appropriate paperwork with the Sedgwick County Assessor's Office. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 13, 2005)

- a) Wichita Employees' Retirement System, Proposed revision of City Code Section 2.28.180 to clarify Death and Survivor Benefits.

ORDINANCE NO. 46-655

An Ordinance amending Section 2.28.180 of the Code of the City of Wichita, Kansas, pertaining to death and survivor benefits in the event of the death of a retiree and repealing the originals of said sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

- b) Police Mobile Radios.

ORDINANCE NO. 46-656

An Ordinance determining the necessity for acquiring mobile radios for the Police Department, together with certain spare parts and installation equipment, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the City's Home Rule Authority as set out in Article 12, Section 5, of the Constitution, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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- c) DR2004-000016-Central Northeast Area Plan Update, generally located east of Mosley, Washington and Mead, north of Kellogg and Central, west of Edgemoor, Pinecrest, Parkwood, Old Manor, Hillside and Oliver and south of 21st Street, 17th Street and the Union Pacific Railroad. (District I), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE NO. 46-657

An Ordinance adopting the Central Northeast Area Plan update as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (DR2004-00016)

- d) DR2005-00019-Request to amend the Official Oil and Gas Well District Map. (District I)

ORDINANCE NO. 46-658

An Ordinance approving certain amendments to the official oil and gas well district map of certain lands located in the City of Wichita, Kansas, under the authority granted by section 25.04.020 of the Code of the City of Wichita, Kansas, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

- e) ZON2005-00031 - east of Commerce, south of Waterman 410, 414, 420-424, and 524 South Commerce. (District I)

ORDINANCE NO. 46-659

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2005-00031)

- f) (ZON 2005-15) - west of Broadway and on the south side of 37th Street North. (District VI)

ORDINANCE NO. 46-660

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2005-15)

- g) A0-13R - generally located south of Pawnee Street between 135th street and 119th Street. (District IV)

ORDINANCE NO. 46-661

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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- h) DED2005-23-partial dedication of access control and DED2005-24-dedication of street right-of-way for property located on the northwest corner of Central and Gilda. (District IV)

ORDINANCE NO. 46-662

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2005-00013)

UNFINISHED BUSINESS

POWER CDC

PUBLIC HEARING AND ADOPTION OF POWER CDC REDEVELOPMENT PROJECT PLAN. (DISTRICT I) (CONTINUED FROM SEPTEMBER 13, 2005)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0817A

On August 2, 2005, City Council adopted a Resolution declaring its intent to consider adoption of a Redevelopment Project Plan for the Power CDC Grocery Store Project and set September 13, 2005, as the date for a public hearing on the matter. However, the publication of the notice in the City's official newspaper failed to take place as planned. The notice was published on September 9, 2005.

In order to satisfy the State law requirement that directs the City to publish the Resolution once in the official city's newspaper not less than one week preceding the date fixed for the public hearing, the City's Law Department recommended continuation of the public hearing and final action to approve the Redevelopment Project Plan on September 20, 2005.

On September 13, 2005, the City Council approved first reading of the Ordinance and continued the public hearing to September 20, 2005.

There is no financial impact as a result of the continuation.

The republication of the notice and continuance of the public hearing was approved by the City's Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; second reading of the Ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan adopted. Motion carried 7 to 0.

--carried

ORDINANCE NO. 46-662

An Ordinance adopting a Redevelopment Project Plan for the Power CDC Grocery Store Redevelopment District, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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NEW BUSINESS

ETHANOL PROD.

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, ETHANOL PRODUCTS, LLC. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0855

On May 18, 2005, City Council approved a one-year Letter of Intent to issue IRBs in the amount not to exceed \$2,000,000, and a 100% five-plus-five-year property tax exemption on bond financed property to Ethanol Products, LLC. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a company headquarters facility located at 37th and Webb in northeast Wichita. On April 5, 2005, City Council approved an extension until December 31, 2005. The construction is now complete and Ethanol Products, LLC, is requesting the issuance of IRBs at this time, in the amount of \$2,000,000.

Ethanol Products, LLC is a South Dakota company that was formed in May 2000. Ethanol Products is engaged in marketing, trading, distribution, risk management and market development of renewable fuels throughout the United States. Ethanol Products is the second largest supplier of fuel grade ethanol in the United States with over 615 million gallons of production per year, and currently markets for 18 ethanol plants in the upper Midwest, including one in Kansas. Ethanol Products' customers are primarily comprised of the major petroleum companies and the product is delivered to destinations all across the upper Midwest and on both the East and West Coasts.

Ethanol Product's expansion project includes a 10,000 s.f. corporate headquarters that will accommodate its existing operations. Ethanol has committed to hire 15 new employees over the next five years. The average salary at Ethanol Products is \$116,000 per year.

An analysis of the uses of project funds is:

Building and other Improvements	\$1,990,000
Furniture and Office Equipment	10,000
Total Cost of Project:	\$2,000,000

The firm Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. The bonds will be privately placed with the company. The Company has complied with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.21 to one
County	1.54 to one
USD 375	1.19 to one
State	8.64 to one

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The estimated first year's taxes on Ethanol Products' proposed \$2,000,000 expansion would be \$56,410 on real property improvements, and \$242 on personal property, based on the 2004 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$56,652 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$15,902; County/State - \$15,120; and USD 375 - \$25,630.

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Bond documents needed for the issuance of bonds have been prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. Ethanol Products, LLC, is eligible for incentives under the new Economic Development incentive policy since they are building a corporate headquarters facility in Wichita.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$2,000,000 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series III, 2005 Ethanol Products, LLC) for the purpose of providing funds to acquire, construct and equip a company headquarters facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Bank of Oklahoma, N.A., Tulsa, Oklahoma, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Ethanol Products, LLC; approving the form of a Guaranty Agreement; and, authorizing the execution of a Bond Replacement Agreement by and between the City and Ethanol Products, LLC, as purchaser of the Bonds, introduced and under the rules laid over.

FSC

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT FOR FRANCHISE SERVICES COMPANY. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0856

On December 21, 2004, the City Council approved an incentive package for Franchise Services Company ("FSC") to ensure that the expansion and relocation of the company's corporate headquarters stays in Wichita. FSC is a national back-office support services business that was founded by former Pizza Hut Corporation employees to provide accounting and back-office services to Pizza Hut franchises. FSC has expanded its client base to include many other restaurant chains and other businesses. In 2003, FSC was acquired by Savista, a holding company based in Chicago.

As a result of the incentive offer, FSC has relocated its corporate headquarters to space it would lease in the former Thorn Americas building at 37th Street North and Rock Road, where 280 jobs have been retained, mostly accountants at average wages of \$20.00 per hour. The additional space in the new location will allow FSC to add another 625 employees during the next five years. FSC plans to spend \$16,000,000 to remodel, furnish and equip the new corporate headquarters.

The approved incentive package consists of the following:

State of Kansas:

- \$1,000,000 IMPACT training grant (\$850,000 for training and \$150,000 for project costs.
- Enterprise Zone income tax credits and sales tax exemption.
- \$450,000 KEIEP Forgivable Loan.

City of Wichita:

- \$112,500 forgivable loan.
- Industrial revenue bonds with a 5-year, 100% property tax abatement and sales tax exemption on bond-financed equipment.
- Property tax refund for five years, based on the amount of City taxes on the Thorn Americas building that is attributable to space leased by FSC.

Sedgwick County:

- \$112,500 forgivable loan.

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Property tax refund for five years, based on the amount of County taxes on the Thorn Americas building that is attributable to space leased by FSC.

The Forgivable Loan Agreement incorporates both the standard provisions pertaining to forgivable loans and special provisions relating to annual incentive payments based on real estate taxes paid by FSC for space leased in the Thorn Americas Building.

Under the standard forgivable loans provisions in the agreement, the City will lend FSC the sum of \$112,500 to be used to reimburse direct expenses of FSC as a result of its move to the Thorn Americas Building. FSC has committed to increasing its employment in Wichita to a total of 910 employees by December 31, 2010 (five years), with interim employment targets for each intervening year. For each year that the employment target is met, one-fifth of loan amount will be forgiven; and at the end of the fifth year the full amount will be forgiven if the full target of 910 employees is met. Any remaining loan balance that has not been forgiven at the end of the fifth year will be due and payable at that time. If the company ceases to operate in Wichita, during the term of the loan, the full original amount of the loan is due and payable, plus accrued interest at 12%.

Under the tax refund provision of the agreement; the City would make annual payments to FSC in the amount of \$11,820.35 for five years, for a total rebate amount of \$59,101.75 over a five-year period ending on December 31, 2010. This amount is based on the amount of city taxes on the Thorn Americas building that is attributable to space leased by FSC. Sedgwick County is expected to approve a similar forgivable loan agreement in which county taxes would be refunded over a five-year period. School district taxes would not be refunded. This incentive is intended as an alternative to property tax abatement, which is not available in cases where space is leased within larger existing buildings.

The proposed City forgivable loan would be in the amount of \$112,500. The City's forgivable loan proceeds will be paid to FSC from funds in the 2004 appropriated general fund reserve. The City's share of the annual amount of property tax refund will be paid with funds budgeted each year for incentives in the Economic Development Fund, subject to annual appropriations.

The Forgivable Loan Agreement has been approved as to form by the Law Department. Both the forgivable loan and the "tax refund" payments represent economic development grants, which are within the City's home rule authority to grant. The exercise of home rule authority requires the adoption of an ordinance.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the proposed economic development incentive agreement for Franchise Services Company, Inc. be approved and the home rule ordinance be placed on first reading.

--carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing a certain Economic Development Grant and prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Franchise Services Company, LLC, and the City of Wichita, Kansas, introduced and under the rules laid over.

2006 INSURANCE

2006 DENTAL, VISION, LIFE, AD&D AND LONG TERM DISABILITY INSURANCE PROGRAMS.

Kelly Carpenter

Director of Finance reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0857

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The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health and non-medical insurance coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2006 dental, vision, life, accidental death and dismemberment (AD&D) and long term disability insurance plans. The Health Insurance Advisory Committee approved the Request for Proposal (RFP) and authorized the Department of Finance to issue the competitive RFP on June 16, 2005. The City used the approved independent Health and Benefits Consultant, Hilb, Rogal & Hobbs to assist in the selection process of the 2006 insurance plans.

The current benefit programs that expire at the end of 2005 are a combination of vision coverage through Vision Service Plan (VSP). In addition, the City offers two voluntary dental plans through Delta Dental, a basic life, dependent life and AD&D insurance program through Minnesota Life, voluntary AD&D insurance through CIGNA and a long-term disability plan through Assurant. On July 7, 2005, the City issued a competitive Request for Proposal (RFP) for dental, vision, life, AD&D and long term disability. Proposals were due July 27, 2005.

The City of Wichita received the following qualified proposals:

Fully Insured Dental Plan – Delta Dental of Kansas, Blue Cross/Blue Shield of Kansas, CIGNA and MetLife

Fully Insured Vision Plan – VSP, Avesis, EyeMed, Vision Care Direct, OptiCare, Spectera, and Superior.

Fully Insured Basic Life, Dependent Life and AD&D Insurance Plan (including a new Supplemental Life Plan) – Minnesota Life, Blue Cross Blue Shield of Kansas, CIGNA, Fiserv-Hartford, Chubb (basic AD&D only) KMG and MetLife

Fully Insured Voluntary AD&D Plan- CIGNA, Chubb, Fiserv-Hartford, KMG, MetLife and Minnesota Life

Fully Insured Long Term Disability Plan – Assurant, Blue Cross/Blue Shield of Kansas, CIGNA, Fiserv-Hartford and The Standard

A Screening and Selection Committee (including the Mayor, Council Member Martz and union representatives) interviewed the top providers in each line of coverage on August 24 and August 25, 2005. The firms interviewed included: Minnesota Life; MetLife; CIGNA Group Insurance; Assurant; Chubb; CIGNA; Vision Care Direct; Spectera Vision; Superior Vision; VSP; Delta Dental; and CIGNA Dental.

The Health Insurance Advisory Committee reviewed the recommendations on August 31, 2005. The Health Insurance Advisory Board voted unanimously to recommend the following vendors as the preferred vendors as being the most responsive to the Request For Proposal.

Fully Insured Dental Plan- Delta Dental of Kansas

Fully Insured Vision Plan- VSP

Fully Insured Basic Life, Dependent Life and AD&D Insurance Plan (including a new Supplemental Life Plan)- Minnesota Life

Fully Insured Voluntary AD&D Plan- Minnesota Life

Fully Insured Long Term Disability Plan- CIGNA

The proposed 2006 premiums for each plan are listed in the Attachment I. The Committee also recommends the City accept the benefit enhancements and rate guarantees for each plan as follows:

Dental

The Committee recommends the addition of retirees under age 65 to the City dental plan at no impact to Delta Dental's proposed premium rates. Delta Dental provided a 2-year rate guarantee for both dental options and a renewal cap of 5% for the Traditional Plan and a renewal cap of 6% for the Preferred Plan

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in Year 3. The Committee recommends the City accept the three-year rate guarantee from Delta Dental of Kansas.

Vision

The Committee recommends the following benefit enhancement: increasing the in-network frame allowance from \$115 to \$150 to the current VSP plan. The Committee recommends the City accept the three-year rate guarantee from VSP.

Life Insurance

The Health Insurance Advisory Committee recommends adding the new, voluntary, supplemental life insurance plan with portability. In addition, all basic life, dependent life and AD&D insurance programs will be consolidated with one vendor. This results in premium savings across all lines of coverage. The Committee recommends the City accept the three-year rate guarantee from Minnesota Life Insurance.

Long Term Disability

The Committee recommends continuing the 60% incremental benefit, subject to a maximum monthly benefit. The Committee also recommends increasing the current \$5,000 maximum monthly benefit to the proposed \$8,000 maximum monthly benefit. This is considered a benefit enhancement at no impact to CIGNA's proposed premium rates. The Committee also recommends the current plan year be changed from April 1 to January 1 so employees can take advantage of the lower premium rates earlier. All other benefit plans operate on a January 1 start date. The Committee recommends the City accept the two-year rate guarantee from CIGNA.

The dental program, supplemental life insurance, voluntary AD&D and the long term disability plans are employee-pay-all programs. Vision premium costs are 80% City-paid and 20% employee-paid. Basic life and dependent life insurance premium costs are 50% City-paid and 50% employee-paid. Basic AD&D is 100% City-paid.

City Council approval of the recommended plan, maintaining current premium splits, would result in a premium decrease for both the City and employees across all plans in 2006 with no reduction in benefits.

Background checks of each company have been undertaken utilizing the United States Securities and Exchange Commission (SEC) 10-Q Quarterly filings and A.M. Best ratings. The Department of Law will review and approve all contracts as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the recommendations of the Health Insurance Advisory Committee be accepted and that Delta Dental, VSP, Minnesota Life and CIGNA as the providers for dental, vision, basic life, dependent life, supplemental life, basic AD&D, voluntary AD&D and long term disability for 2006 with Minnesota Life contract beginning December 1, 2005 be approved; the copays/deductibles/benefits, as applicable for each plan be approved; the benefit enhancements as recommended for each plan be approved; adding a voluntary supplemental life insurance program be approved; the rate guarantees for each vendor as recommended be approved and renewal at the guaranteed rates for 2007 and 2008, as applicable be authorized; amending the current plan year for long term disability from April 1 to January 1 so employees can take advantage of the lower premium rates earlier be approved and the required signatures authorized. Motion carried 7 to 0.

--carried

REVENUE BONDS

WATER AND SEWER SYSTEM UTILITY REVENUE BONDS, SERIES 2005.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 05-0858

The Water and Sewer utilities have undertaken major capital efforts, beyond the normal level of capital expenditures, for long-term (50 year) service extensions, most notably in the water supply plan and new sewage treatment facilities. In addition, some substantial rehabilitation projects must be accomplished.

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Rate increases for the utilities are driven by capital costs, and the higher than normal capital effort is causing projected increases in water and sewer rates.

Water and Sewer Utility financial planning has sought to enhance the financial vitality of the Utilities through growing the revenue base by extension of services, initiation of new wholesale contracts, and a phased five percent increase in the outside City rate surcharge. Debt refinancing options have been pursued whenever they have been deemed to be advantageous.

As water and sewer projects have been initiated, the City Council has adopted resolutions authorizing various Water and Sewer System improvements and the issuance of revenue bonds. These resolutions are in the aggregate principal amount of approximately \$48,000,000. Notices of the Council's intent to carry out the improvements and issue the revenue bonds have been published in the City's official newspaper. The Water and Sewer Department wishes to proceed with the sale of revenue bonds at this time in order to permanently finance a portion of project costs incurred to date.

The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures.

The debt service payments associated with the bonds will be funded entirely from net revenues derived from operations of the City's Water and Sewer Utility.

The resolution and notice of bond sale were prepared by the City's bond counsel, Hinkle & Elkouri LLC, and have been reviewed by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the Resolution be adopted and City staff directed to publish the Notice of Bond Sale and distribute the Preliminary Official Statement. Motion carried 7 to 0.

RESOLUTION NO. 05-479

A Resolution of the City of Wichita, Kansas, authorizing and providing for a public sale of Water and Sewer System Utility Revenue Bonds, and providing for the giving of notice of such public sale, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

GOLF COURSES

CITY OPERATION OF SIM AND TEX CONSOLVER GOLF COURSES. (DISTRICTS IV & VI)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0859

The City currently operates five municipal courses. The clubhouse operations of two courses (Sim and Consolver) are managed by contractors; at Auburn Hills, L.W. Clapp, and MacDonald and City staff manage the clubhouse. City staff performs all maintenance functions at all courses.

On August 12, 2003, the City Council approved City staff to operate clubhouses at LW Clapp and MacDonald courses. This action was necessary to replace contracted professionals who voluntarily terminated professional service contracts with the City. Since this time, the City has staffed these courses with PGA Professionals. Contracts with managers of Sim Park and Tex Consolver Golf Courses expire on December 31, 2005. Staff is recommending that upon expiration, City staff be hired to operate the clubhouse operations of these courses.

Although contracted professional staff has served the City well, operating all five courses under City control has many advantages. It will allow the standardization of customer service functions and create

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economies of scale in purchasing and promotions. An estimated four full-time City positions will be required, two at each course. Other initial setup costs will include the purchase of a golf cart fleet, concession inventory, pro shop inventory and modest facility enhancements.

The 2005 Revised Budget includes \$249,160 in contingency revenue and \$246,300 in contingency expenditure authority in the event the City operates course clubhouses. Although there will be non-recurring costs in the current year, the overall financial impact on the Golf Fund will be positive. Long term, as economics of scale develop and the City develops strategies to maximize usage of range and concession facilities, City management of clubhouse operations should significantly contribute to the Golf Fund net margin.

The Golf Fund is not certified under State law. Budget adjustments over \$25,000 require City Council approval.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the four additional full-time positions (one Golf Pro II, one Golf Pro I, and two
--carried Assistant Golf Pros) be approved and the necessary budget transfers authorized. Motion carried 7 to 0.

CORRECTING ORD. CORRECTING ASSESSMENT ORDINANCE: STORM WATER DRAIN FOR REMINGTON PLACE AND REMINGTON PLACE SECOND ADDITIONS, EAST OF WEBB, SOUTH OF 21ST STREET. (DISTRICT II)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0860

On July 20, 2004, the City Council approved assessment ordinances for twenty drainage projects. It has since been determined that the Ordinance for one of the projects, constructing a storm water drain in Remington Place and Remington Place 2nd Additions, is in error. Several lots were inadvertently omitted from the improvement district.

A revised Ordinance has been prepared to correct the error. Affected property owners have been notified.

The project budget is unchanged.

The Law Department has approved the correcting Ordinance as to legal form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the public hearing be closed; the proposed assessments be approved and find and
--carried declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the assessment Ordinance on the date of its introduction, adopt the assessment Ordinance, and authorize the Motion carried 7 to 0.

ORDINANCE NO. 46-664

An Ordinance levying assessments on lots, pieces and parcels of Land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD No. 166, to serve Remington Place Addition and Remington Place Second Addition, east of Webb, south of 21st Street North (468-83253/485-213). Schlapp moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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SCADA SYSTEM

STORM WATER RAINFALL ALERT SYSTEM REPLACEMENT AND SCADA SYSTEM UPGRADE.

Mitch Blackburn

IT/IS reviewed the item.

Agenda Report No. 05-0861

In 1997, Storm Water Division of Public Works purchased Wonderware software and utilized it to monitor and operate a new pump station site on South Seneca. Since this system was installed, similar installations were made at several other storm water pump stations around the city. The system consists of the Supervisory Control and Data Acquisition (SCADA) element and the Automated Local Evaluation in Real Time (ALERT) rainfall monitoring system. Since these systems were installed, and as the city has expanded it is real-time computer capabilities, it has become apparent that this system needs to be upgraded to meet our needs. The SCADA portion of the system runs fairly well, but is not configured to allow maintenance by our city technicians. The ALERT module will allow only one person to access the system at any given time, does not capture data in a user friendly way, and will not allow data to be easily shared with internet users. For these reasons, staff has proposed to upgrade this system as a part of the Public Works technology upgrades that were approved as a part of the 2005R budget.

Staff relies heavily on the SCADA and ALERT systems to transmit remote station status and rainfall data centrally. Due to the age of the hardware and software, and increased complexity of the operation, the system is no longer working properly and meeting the business needs. The ALERT system cannot provide accurate data for staff analysis. As a result, the software and hardware for the entire system must be upgraded and replaced. This project will upgrade the Wonderware software for the SCADA system and replace the software interface for the ALERT system with DataWise software. The upgrade and replacement will increase departmental efficiency. Future possibilities for the system are sharing rainfall information with the citizens of Wichita and making predictions on river flooding and early warning. The scope and intent of the current project have been approved by the IT/IS Advisory Board.

The total expenditure for this project will not exceed \$85,000, and includes software packages and licensing, installation, on-site training, and one year of support. The total annual support cost for the system will not exceed \$10,000. The purchase will be made according to Purchasing Ordinance 38-122(g), relating to high technology items.

The contract has been reviewed and approved as to form by the Law Department.

Council Member Skelton Council Member Skelton asked if the National Weather Service relies on us to provide them the data or should we rely on them for rainfall data.

Chris Carrier Public Works Director explained that the system that we have developed, particularly for the Cowskin Basin in west Wichita, relies very heavily on getting that information from our rainfall system that we have out in that basin. Stated that we also have water level stations at several bridges that they can monitor water levels. Stated that they rely on us for a portion of their forecasting. Stated that they use our system to measure rainfall as it is actually occurred out in the basin. Stated that they rely on their forecasting methods to get future precipitation and add those together and then base their warnings on that information.

Council Member Skelton Council Member Skelton asked how long we have had this current system deployed.

Chris Carrier Public Works Director stated that the original pump station control system was originally put in when we built the South Seneca Pump Station, which was done in 1997 and was the beginning of our wireless rainfall system. It was not deployed out in the Cowskin Basin in west Wichita until after the flood of 1998.

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- Council Member Skelton Council Member Skelton stated that it says in the agenda report that this package does include on-site training and a year of support and with that being noted, under the existing problems, the vendor is reluctant to train staff on how to maintain hardware, which sounds like a serious problem. Asked what are we to do after a year and how do we avoid this reluctance to train staff.
- Chris Carrier Public Works Director stated that one of the big things we are trying to accomplish with this new system is to get away from dependency from outside vendors to do things. Stated that the City's water and sewer department has these kinds of systems with their pump stations all over the City. Stated that they want to begin to utilize the water and sewer department's services to do a lot of the maintenance and use IT/IS's services to trouble shoot those parts of this system so that they can get away from this proprietary system that they have had to use since 1997.
- Council Member Martz Council Member Martz stated that he thought that there was some type of system that the public could already get information on.
- Chris Carrier Public Works Director stated that the rainfall system that we have, the public could not get to that information. Stated that you can get on the system on the Internet and go to the US Geological Survey site and get information from the one that they put in at 119th and Cowskin. Stated that he calls this "after the fact system." Stated that what they are trying to do with the rainfall part of this is to predict flooding as quickly as they can, which is while the rain is still coming down. Stated that with this system, they are trying to accomplish something that is more reliable and takes less data manipulation.
- Council Member Martz Council Member Martz stated that he has the same concerns with the reluctance to train staff and thinks that should be eliminated. Stated that if we are going to have a vendor and pay him money, they should not be reluctant to train anybody from staff. Stated that in the six years that he has been on the Council, it seems like there is another license request upgrade. Asked if we are going to get close to getting where we can quit upgrading and buying new licenses every other year.
- Mitch Blackburn IT/IS stated that is the idea and what has happened in the past is that departments have purchased their own software and they have not gone ahead and paid the ongoing support. Stated that as IT/IS works more closely with the various departments, which is their goal, they are trying to add that maintenance and that support so that as we move into the future, we will be keeping our systems up and they will be working effectively and we will not continue to come back and ask for those things because we will have it.
- Council Member Martz Council Member Martz stated that he would like to suggest that we have a better coordination within the departments in the future so that each department is not necessarily getting their own thing but rather coordinating it better. Stated that it seems to him that each year somebody else is coming up with a new system and then he is told that we can coordinate these things together. Asked why can we not get them coordinated and find out what we have so that they work, are user friendly and help us out the best without us having to continuously get new things.
- Council Member Gray Council Member Gray stated that in regards to updating, one of the things that he has heard is that upgrades are not always better than the existing version of certain software and asked that staff take that into consideration when they chose to upgrade.
- George Kolb City Manager stated that he shares Council Members Martz and Gray's concerns about upgrades and their importance to the City. Stated that because of that, the Council will probably see staff come back to them at various times to upgrade and get additional licenses for our various computer systems but it is all with the goal in mind of getting where we will standardize all of our equipment. Stated that he believes that staff is well aware of this and that we are all working towards the same goal and looking to improve efficiencies and give better service to our customers. Stated that this particular system will help us adequately inform the citizens of flooding conditions and give them the information that they need to protect themselves and also to our public safety departments.

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Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the upgrade and replacement project be approved; the necessary signatures
--carried authorized and the transfers required for the project funded. Motion carried 7 to 0.

GREENWICH IMPR. GREENWICH ROAD IMPROVEMENT, BETWEEN 13TH STREET AND 27TH STREET NORTH. (DISTRICT II)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0862

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Greenwich, between 13th and 27th St. North. District II Advisory Board sponsored a January 3, 2005, neighborhood hearing on the project. The Board members present were in support of the project, but no vote was taken due to the lack of a quorum.

The project will reconstruct Greenwich to provide a 4 - 6 lane roadway and a median for left turn lanes. Traffic signals will be installed at the intersection of 21st and Greenwich. A new storm water sewer will be constructed. The available right-of-way will be landscaped.

The estimated project cost is \$6,000,000 with \$2,000,000 paid by the City and \$4,000,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the project be approved; the Ordinance placed on first reading, and the signing of
--carried State/Federal agreements as required be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Greenwich, between 13th Street North and 27th Street North (472-84274) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

HARRY ST. IMPROV. HARRY STREET IMPROVEMENT, FROM K-42 HIGHWAY TO MERIDIAN. (DISTRICT IV)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0863

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Harry Street, from K-42 Highway to Meridian. District IV Advisory Board sponsored a January 5, 2005, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will reconstruct Harry, to provide two through lanes and a center two-way left turn lane. The traffic signals at K-42 Highway and Meridian will be upgraded. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2006.

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The estimated project cost is \$995,000, which includes \$45,000 previously approved by the City Council for design expenses. The funding source is General Obligation Bonds

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the project be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Harry, between K-42 Highway and Meridian (472-84001) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

KEYSTONE APTS.

PUBLIC HEARING-RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION, KEYSTONE APARTMENTS. (DISTRICT III)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0864

On August 16, 2005, the City Council adopted a resolution of support for an application for Low-Income Housing Tax Credits to be submitted by Midwest Ventures, LLC, in connection with the renovation of the Keystone Apartments, by a 7-0 vote. (The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

The Keystone Apartments are located at 758 S. Sylvan Lane, directly north of Southeast High School. The apartment community will offer 180 units of one and two bedroom apartments in four-plex style structures upon completion of rehabilitation.

The City's Housing Tax Credit Policy requires a set-aside of 20% of the units (36 total units) for market rate tenants. Midwest intended to comply with this requirement, but has encountered difficulty in identifying an investor willing to purchase the tax credits if the project is structured in this manner. Therefore, Midwest is now requesting waiver of the 20% market rate unit requirement, in order to offer 5% of the units as market rate units. The Housing and Community Services Department supports the waiver request because the additional financing to be made available from the sale of the tax credits will result in additional improvements to the project, such as new roofing for 35 buildings, paving of the parking areas, and installation of central air conditioning systems, as opposed to window-unit air conditioners. These additional improvements will improve the long-term viability of the project. In addition, given the nature of the project, the rent amounts charged for the "market rate" units cannot differ significantly from the rent amounts charged for the tax credit units, if they are to be rented. The difference is expected to be no more than \$20.00 per month.

The District III advisory board reviewed the waiver request during its September 7, 2005 meeting and approved recommendation of adoption of the resolution of support with waiver of the 20% market-rate unit requirement by a 10-0 vote. The Housing Advisory Board (HAB) and the Development Coordinating Committee (DCC) have been supportive of this project based on their review criteria.

The total hard cost of rehabilitation is now estimated to be \$1,966,000. The City will not directly participate in the financing of the project.

In accordance with City Council Resolution No. R-95-479, Midwest has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. This resolution also requires that the Council hold a public

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hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application for low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that the public hearing be closed; the resolution of support for the Midwest application for Low-Income Housing Tax Credits adopted, with waiver of the 20% market-rate unit requirement, and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-478

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

PLANNING AGENDA

Motion--carried

Mayans moved that the Planning Consent items be approved as presented. Motion carried 7 to 0.

DR2005-28

DR2005-28-RESOLUTION SUPPORTING PRIDE PROGRAM INVOLVEMENT WITH EL PUEBLO NEIGHBORHOOD ASSOCIATION. (DISTRICT VI)

Agenda Report No. 05-0865

Earlier this year, the El Pueblo Neighborhood Association approached representatives of the Kansas PRIDE Program with a request for assistance in developing a neighborhood vision to address a variety of housing, social, health, education and recreational issues in this newly formed neighborhood association. The Kansas PRIDE Program is a no-cost service provided through the Kansas Department of Commerce and Kansas State University to help citizen groups organize and work together for community improvement. The types of services provided include community resource assessment tools, assistance in facilitating meetings and assisting with community organization. The success of the program depends on the initiative, leadership and commitment of the local participating neighborhood or community group. The Kansas PRIDE Program is typically targeted to the smaller communities and rural areas of Kansas. PRIDE has not yet worked with a community group in Wichita. A requirement of the PRIDE Program involvement with a community group is a resolution of support from the municipality. It is anticipated that PRIDE will start working with El Pueblo Neighborhood Association later this month and conclude in early 2006.

In conjunction with the PRIDE Program initiative, the El Pueblo Neighborhood Association has engaged the support of Inter-Faith Ministries who will dedicate an AmeriCorps worker to help identify community resources within the neighborhood. The Metropolitan Area Planning Department has also agreed to commit staff support to help the El Pueblo Neighborhood Association develop a neighborhood plan, starting in March 2006, based upon the outputs of this PRIDE Program initiative.

Adopting the resolution of support for the PRIDE Program involvement with the El Pueblo Neighborhood Association does not financially obligate the City in any way.

The adopting Resolution has been reviewed and approved as to form by the Law Department.

Motion--carried

Mayans moved that the resolution of support be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-476

A Resolution of the City of Wichita, Kansas, supporting the Kansas PRIDE Program involvement with the El Pueblo Neighborhood Association within the City of Wichita, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

HISTORIC PRESERV. AGREEMENT BETWEEN THE CITY OF WICHITA AND THE KANSAS STATE HISTORIC PRESERVATION OFFICER FOR PERFORMANCE OF PROJECT REVIEWS UNDER K.S.A. 1995 SUPP. 75-2724.

Agenda Report No. 05-0866

The current agreement for performance reviews expires October 1, 2005. This agreement delegates the review responsibilities for all state/national register listed properties and all environs reviews to be performed by the City of Wichita Historic Preservation Board. This agreement provides appeal to the City Council of HPB determinations, as the HPB is not allowed to consider mitigating circumstances in accordance with State law.

In 1995, the Kansas Historic Preservation Act was amended to allow SHPO to develop agreements with Certified Local Governments to perform all statutory responsibilities of the Kansas Historic Preservation law with regard to design review. The City has had this agreement in effect since 1997. Should this agreement not be executed, all design review for state/national register listed properties would have to be conducted by the SHPO, which would mean delays of up to 30 days for any project requiring a building permit.

From October 1, 2000 through July 31, 2005, the Historic Preservation Board has processed 896 cases in accordance with this agreement.

The execution of this agreement will continue to provide design review at the local level and keep the review process streamlined.

Law Department has reviewed the agreement and approved as to form.

Motion--
--carried

Mayans moved that the City Manager be authorized to sign the Programmatic Agreement. Motion carried 7 to 0.

TRANS. ENHANCMT CONSIDER A RESOLUTION TO AUTHORIZE THE SUPPORT FOR A FILING OF 2008 TRANSPORTATION ENHANCEMENT PROGRAM APPLICATIONS TO THE KANSAS DEPARTMENT OF TRANSPORTATION IN SUPPORT OF THE PROPOSED DELANO TRAIL AND THE PROPOSED I-135/K-96 TRAIL. (DISTRICTS I & IV)

Agenda Report No. 05-0867

Transportation Enhancement is a funding category of the federal transportation program (TEA-21). The Kansas Department of Transportation (KDOT) will receive application for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancement are: 1) historic preservation of transportation structures 2) scenic and environmental and 3) pedestrian and bicycle facilities. Kansas' share for these three Enhancement categories is typically about \$8-10 million, but the exact allocation for fiscal year 2008 projects has not been released at this time. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax levying entities can sponsor applications; however, private funds may be used as local match. KDOT will announce the awards in the Spring of 2006.

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In working with neighborhood community groups, the City of Wichita identified two projects that are consistent with adopted neighborhood plans and will be submitted to KDOT for Transportation Enhancement funding consideration.

- Delano Pedestrian-Bicycle Trail - This project extends the Arkansas River Trail along the abandoned railroad corridor in the Delano District. (District IV)
- I-135/K-96 Bike Path Connection - This project will link McAdams Park to Grove Park and provide continuity between K-96 and the I-135 Trail System. (District I)

Both of these projects were endorsed by the Park Board and the District I Advisory Board on September 13, 2004, by the District IV Advisory Board on September 1, 2004, and were submitted in the 2006-2007-application cycle. Although these projects were not approved in the last application cycle, neighborhood community groups have worked to make these applications more competitive, and updated letters of support will be incorporated into these applications to demonstrate the continued need and support for these projects.

On October 7, 2005, the Delano Pedestrian-Bicycle Trail project application and the I-135/K-96 Bike Path project application will be submitted to the Wichita Area Metropolitan Planning Organization (WAMPO) for review to ensure that both projects are compliant with WAMPO's long-range transportation plan. In addition, a resolution of support and commitment must be approved by the Wichita City Council as a required component of the application. Upon City Council approval and completion of WAMPO's review, the City of Wichita will submit both applications to KDOT for transportation enhancement funding consideration. The deadline to submit applications to KDOT is November 7, 2005.

KDOT requires a minimum 20 percent local match; however, staff is proposing a 30 percent local match in order to score higher points under KDOT's rating scheme and to raise the probability of Wichita projects being selected. The total construction and engineering cost of the proposed Delano project is estimated at \$399,930. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$119,979 in local match, which is 30% of the total construction and engineering project cost. The City of Wichita Capital Improvement Program (CIP) set aside \$215,000 specifically for the proposed Delano Pedestrian-Bicycle Trail, which is adequate to cover both the 30% local match contribution, as well as, design cost.

The total construction and engineering cost of the proposed I-135/K-96 project is estimated at \$1,094,683. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$328,405 in local match, which is 30% of the total construction and engineering project cost. The City of Wichita Capital Improvement Program (CIP) set aside \$250,000 specifically for the proposed I-135/K-96 Trail. In addition, \$400,000 has been allocated each year in the CIP to support Transportation Enhancement projects.

All projects must be approved by the Wichita Area Metropolitan Planning Organization (WAMPO) for conformity with long-range transportation plans. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding 30% of the total project cost as a local match contribution.

Motion--
--carried

Mayans moved that the resolution of support and authorization for application submittal to the KDOT be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-471

A Resolution of City of Wichita to approve the filing of applications to the Kansas Department of Transportation for use of Transportation Enhancement Funds set forth by the Federal Transportation Equity Act for the 21st Century and authorizing the Mayor to sign the applications, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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SUB2005-46

SUB2005-46-PLAT OF HARBOR ISLE SOUTH ADDITION, LOCATED NORTH OF 41ST STREET NORTH AND ON THE EAST SIDE OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 05-0868

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 39 lots on 61.7 acres, is within Wichita's city limits. A zone change (ZON 2005-21) from SF-5, Single-Family Residential District and LC, Limited Commercial District to LC, Limited Commercial District and NR, Neighborhood Retail District has been approved. The Harbor Isle South Community Unit Plan (CUP 2005-22/DP-285) has been approved, and a CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for future sewer, water and paving improvements. A Restrictive Covenant has been submitted to: 1) outline restrictions for lot-owner use for platting narrow street right-of-way with adjacent street, drainage and utility easements; 2) create four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street; 3) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves; and 4) create a Homeowners' Association to maintain the parking strip between Reserve A and Meridian. An Access Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Restrictive Covenant and Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 05-472

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90114 (north of 41st street north, east of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-473

Resolution of findings of advisability and Resolution authorizing construction of Lateral 116, Sanitary Sewer Number 23 (north of 41st street north, east of Meridian) 468-84080 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-474

Resolution of findings of advisability and Resolution authorizing constructing pavement on Waterford and Waterford Court located within Harbor Isle South Addition (north of 41st street north, east of Meridian) 472-84280 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-475

Resolution of findings of advisability and Resolution authorizing constructing a Decel Lane on Meridian to serve Lot 1, Block 1, Harbor Isle South Addition (north of 41st street north, east of Meridian) 472-84281 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2005-21)

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey Council Member Fearey requested to appoint Bailiss Bell to the Arts Council.

Mayor Mayans Mayor Mayans requested to appoint Jenny Becker to the Arts Council.

Motion--carried Mayans moved that the appointments be approved. Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; potential litigation; legal advice and contract negotiations and that the Council return from Executive Session no earlier than 11:15 a.m. and reconvene in the City Council Chambers of City Hall.
--carried Motion carried 7 to 0.

RECONVENE

The City Council reconvened in the City Council Chambers at 11:15 a.m.

Motion--carried Mayans moved that the Executive Session be extended until 11:45 a.m. Motion carried 4-0, (Fearey, Gray and Martz absent)

RECONVENE

The City Council reconvened in the City Council Chambers at 11:47 a.m.

Motion-- Mayans moved to recess the Executive Session until 12:15 p.m. and to resume the executive session at 12:15 p.m. until 1:00 p.m. Motion carried 4 to 0, (Brewer, Fearey and Martz absent)
--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 1:10 p.m.

Motion--carried Mayans moved to extend the Executive Session until 1:20 p.m. Motion carried 4 to 0, (Fearey, Gray and Martz absent)

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RECONVENE

The City Council reconvened in the City Council Chambers at 1:25 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 1:25 p.m. that the Executive Session be adjourned. Motion carried 5 to 0, (Fearey and Martz absent)

Motion--

Mayans moved at 1:26 p.m. that the Regular Meeting be adjourned. Motion carried 5 to 0, (Fearey and Martz absent)

ADJOURNMENT

The meeting adjourned at 1:26 p.m.

Respectfully submitted,

Karen Sublett
City Clerk